

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
Atlanta Division

ROLANDA TATE

Plaintiff,

vs.

LESSORS INC., TRAVELERS
INDEMNITY COMPANY OF
CONNECTICUT and JOSEPH
VARGOVICH

Defendants.

JURY TRIAL DEMANDED

CIVIL ACTION
FILE NO. _____

COMPLAINT

COMES NOW ROLANDA TATE, Plaintiff, and through her counsel of record, files her Complaint against LESSORS INC, TRAVELERS INDEMNITY COMPANY OF CONNECTICUT, and JOSEPH VARGOVICH., Defendants, and shows this Honorable Court the following:

PARTIES, VENUE, AND JURISDICTION

1.

Plaintiff's accident took place in Cobb County, Georgia and is subject to the jurisdiction of this Court.

2.

Defendant, Lessors Inc., is a foreign corporation existing under the laws of

Minnesota, with its principal place of business located at 1056 Gemini Road, Egan, MN 55121 and may be served through its registered agent, Earl G. Gary at 13350 MLK Boulevard, Dover, Florida 33527, and is subject to the jurisdiction of this Court.

3.

Defendant, Travelers Indemnity Company of Connecticut is a foreign corporation existing under the laws of Connecticut with its principled place of business located at One Tower Square, Hartford, Connecticut, 06183, and may be served through its registered agent, Corporation Service Company at 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092, and is subject to the jurisdiction of this Court.

4.

Defendant Joseph Vargovich is a citizen of the State of Florida and may be served through the Non-Resident Motorist Act and may be served pursuant to O.C.G.A. § 40-12-2, by delivering via statutory overnight delivery a copy of the summons and complaint to his resident address at 106 Greer Lane, Hawthorne, Florida 32640, with a copy of process delivered to the Corporations Division of the Georgia Secretary of State's Office at 2 Martin Luther King, Jr. Drive, Suite 313, West Tower, Atlanta, Georgia 30334-1530 with the \$10.00 filing fee and statutorily required affidavit or certified writing. Once served with process as

described in this paragraph, Defendant Vargovich is subject to the jurisdiction and venue of this court.

5.

Defendant's tortious act occurred at Interstate 285 near the exit to South Cobb Drive in Cobb County, Georgia and is subject to the venue of this Court.

6.

Pursuant to 28 U.S.C. § 1332 – this Court has original jurisdiction over this matter because the mount in controversy is \$75,000.00 and there is complete diversity of the parties.

7.

Jurisdiction and venue are proper in this Court.

BACKGROUND

8.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 7 above as if fully restated.

9.

On or about February 27, 2021, Plaintiff was driving on Interstate 285 near South Cobb Drive in a 2013 Ford Fusion.

10.

At the same time Defendant Joseph Vargovich was the driver of a 2019

Kenworth Tractor Trailer while working for Lessors Inc.

11.

Suddenly and without warning, Defendant Joseph Vargovich failed to maintain his own lane of travel and improperly merged into the lane that Plaintiff was traveling striking her vehicle, and causing her vehicle to be pinned under the front of Defendant' tractor.

12.

As a result of the collision, Plaintiff suffered severe and permanent injuries.

COUNT I – NEGLIGENCE

13.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 12 above as if fully restated.

14.

Defendant was negligent for not driving with extreme caution under the circumstances, driving too fast for conditions, failing to maintain his own lane of travel, and failure to keep a proper lookout for Plaintiff's vehicle.

15.

Defendant's negligence is the sole and proximate cause of the collision, and Plaintiff Tate's injuries.

COUNT II – IMPUTED LIABILITY

16.

Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 15 above as if fully set forth herein.

17.

At the time of the subject collision, Defendant Joseph Vargovich was working for Defendant Lessors Inc.

18.

At the time of the subject accident, Defendant Joseph Vargovich was acting within the scope of his employment with Defendant Lessors Inc.

19.

Defendant Lessors is responsible for the actions of Defendant Joseph Vargovich in regard to the collision described in this complaint under the doctrine of respondeat superior, lease liability, and/or agency.

COUNT III – NEGLIGENT HIRING, TRAINING & SUPERVISION

20.

Plaintiff re-alleges and incorporates the allegations contained in paragraphs 1 through 19 above as if fully set forth herein verbatim.

21.

Defendant Lessors Inc. was negligent in hiring Defendant Joseph Vargovich and entrusting him to drive a commercial vehicle.

22.

Defendant Lessors Inc. was negligent in failing to properly train Defendant Joseph Vargovich.

23.

Defendant Lessors Inc. was negligent in failing to properly supervise Defendant Joseph Vargovich.

24.

Defendant Losser Inc.'s negligence in hiring Defendant Joseph Vargovich and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of the collision, and Plaintiff's injuries.

COUNT IV – DIRECT ACTION

25.

Plaintiff re-alleges and incorporates the allegations contained in paragraphs 1 through 24 above as if fully set forth herein verbatim.

26.

Defendant Travelers Indemnity Company of Connecticut is subject to a direct action as the insurer for Defendant Lessor's Inc. pursuant to Georgia's Direct Action statute, O.C.G.A. 40-1-112.

27.

Defendant Travelers Indemnity Company of Connecticut was the insurer of Defendant Lessors Inc. at the time of the subject incident and issued a liability policy to Defendant Lessors Inc.

28.

Defendant Travelers Indemnity Company of Connecticut is responsible for any judgement rendered against Defendant Lessor's Inc.

COUNT V DAMAGES

29.

Plaintiff re-alleges and incorporates the allegations contained in paragraphs 1 through 28 above as if fully set forth herein verbatim.

30.

As a result of Defendants' negligence Plaintiff suffered serious and permanent injuries.

31.

As a result of the Defendants' negligence, Plaintiff has a claim for past and future medical expenses and past and future lost wages.

32.

As a result of Defendants' negligence, Plaintiff has a claim for past and future pain and suffering.

33.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to the consequences of their actions and entitles Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff prays for the following:

- (a) That process issue and service had on the Defendant;
- (b) That judgment be granted in favor of Plaintiff and against Defendant, in an amount to be determined by the enlightened conscience of a fair and impartial jury, for past and future medical and related expenses, lost income past and/or future and/or diminished earning capacity, and past and future pain and suffering;
- (c) That Plaintiff recovers the costs of this action; and
- (d) For such other and further relief as the Court deems just and proper.

This 4th day of August, 2021.

Respectfully Submitted,

JOSEPH WILSON INJURY LAWYERS, LLC

/s/ Joseph L. Wilson

JOSEPH L. WILSON

GEORGIA STATE BAR NUMBER 372083

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ATTORNEYS FOR PLAINTIFF

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LR 7.1(D) CERTIFICATE OF FONT COMPLIANCE

I hereby certify that the foregoing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C), Northern District of Georgia, specifically Times New Roman 14 point.

This 4th day of August, 2021.

Respectfully Submitted,

JOSEPH WILSON INJURY LAWYERS, LLC

/s/ Joseph L. Wilson

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